

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES

CRIMINAL ACTION

v.

WENDELL WHITAKER

NO. 14-393

ORDER

AND NOW, this 18th day of December, 2020, upon consideration of *Pro Se* Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 48, filed May 14, 2020), *Pro Se* Defendant's Motion for a Judicial Recommendation to the Federal Bureau of Prisons for 12 Months of RRC Placement under 18 U.S.C. § 3624 (Document No. 50, filed June 1, 2020), and Government's Response in Opposition to Defendant's (1) Motion under 28 U.S.C. § 2255, and (2) Motion for Judicial Recommendation of RRC Placement (Document No 54, filed July 14, 2020), for the reasons stated in the Memorandum dated December 18, 2020, **IT IS ORDERED** as follows:

1. *Pro Se* Defendant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **DISMISSED AND DENIED**.
2. *Pro se* Defendant's Motion for a Judicial Recommendation to the Federal Bureau of Prisons for 12 Months of RRC Placement under 18 U.S.C. § 3624 is **DISMISSED WITHOUT PREJUDICE** to *pro se* defendant's right to file an amended motion closer to the time by which he becomes eligible for placement in a Residential Reentry Center.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.